SBCivil Writ Petition No.4991/2004

Kailash Kumar
Vs.
Labour Court, Jodhpur & Ors.

Date of Order :: 11th October, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Rakesh Arora, for the petitioner.
Mr. R.K.Mehta, for the respondents.

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By this petition for writ a challenge is given to the award dated 2.4.2004 passed by Labour Court, Jodhpur negativating an industrial dispute referred to it by appropriate government under a notification dated 20.1.2001 to the effect as to whether not to regularise services of workman Kailash Kumar son of Shri Dhannaram by Chairman/Executive Officer of the Municipal Board, Sheoganj is illegal and improper? If yes, then for what relief the workman is entitled.

The Labour Court by the award impugned held that no order of regularisation of services could be made as the appointment of the workman was in a specific scheme and was also irregular, therefore, no order for regularisation of his services could be made.

It is pertinent to note that this Court in SBCivil Writ Petition No.5005/2004, Kailash Kumar v. Dhannaram, has already taken the view that appointment of workman Shri Kailash Kumar was not under Jawahar

Rozgar Yojna, therefore, the denial for regularisation only on the count that the workman was employed in a specific scheme cannot be held proper.

Be that as it may, the issue with regard to regularisation of the petitioner in service does not survive as he has already been retrenched from service and a dispute with regard to retrenchment is yet to be decided by the Labour Court, Jodhpur.

In view of it, this petition for writ is dismissed. However, it is made clear that in the event of declaration of workman's retrenchment illegal, it shall be open for him to raise the issue with regard to regularisation of his services afresh.

(GOVIND MATHUR),J.

kkm/ps.